

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
JOAQUIN DEAN,

Plaintiff,

v.

COMMUNIPAW LAFAYETTE LLC, DONNA
G. SILBERMAN, UB BANK TRUST,
MARGARET SMITH, MARIANNA
DALTON, CHRISTOPHER VIRGA,
TIMOTHY P. SIEBOLD, JEREMY
DOBERMAN, and MARC WOHLGEMUTH,
Defendants.
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ORDER

21 CV 8320 (VB)

By Order dated May 31, 2022, in response to a letter from plaintiff, proceeding pro se, the Court extended plaintiff's time to serve all defendants with the summons and amended complaint to June 24, 2022. (Doc. #16). This was the fourth extension granted to plaintiff. (See Docs. ## 9, 12, 14). The May 31 Order warned plaintiff that no further extensions would be granted absent compelling circumstances.

Plaintiff filed a letter with the Court, dated June 28, 2022, that attaches proof of service on defendants Jeremy Doberman and Marc Wohlgemuth on June 22, 2022. (Doc. #17 at ECF 5, 7). Plaintiff also attaches proof that he attempted service on the following defendants, but service was ultimately unsuccessful: Christopher Virga, Margaret Smith, Donna G. Silberman, and Marianna Dalton. (Doc. #17 at ECF 2, 3, 9, 11, 13, 14).

In his June 28 letter, plaintiff requests that his deadline to serve these defendants be extended for thirty days because they have moved to another location or no longer work for their prior firm, and therefore plaintiff requires additional time to locate them. (Doc. #17).

Plaintiff's application is GRANTED with respect to the defendants for which plaintiff has provided proof of an unsuccessful attempt at service. Plaintiff's deadline to serve the summons and amended complaint on the following defendants only is extended to July 28, 2022: Christopher Virga, Margaret Smith, Donna G. Silberman, and Marianna Dalton. If he fails to do so, the Court will dismiss the claims against these defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute. Absent compelling circumstances, the Court will grant no further extensions.

With respect to defendants Communipaw Lafayette LLC, UB Bank Trust, and Timothy P. Siebold,¹ plaintiff provides neither proof of service nor evidence that he attempted service prior to the June 24 deadline established in the Court's May 31 Order. In addition, plaintiff's June 28

¹ A summons was issued as to these defendants on March 28, 2022.

letter does not indicate that plaintiff has attempted to locate or serve these defendants or provide any explanation as to why he has not yet attempted to serve these defendants.

Therefore, pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure, plaintiff's claims against defendants Communipaw Lafayette LLC, UB Bank Trust, and Timothy P. Siebold are DISMISSED WITHOUT PREJUDICE.

The Clerk is instructed to terminate Communipaw Lafayette LLC, UB Bank Trust, and Timothy Siebold as defendants in this action.

Dated: June 30, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge